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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,580	09/23/2003	Aidan T. Hughes	60001.0026USD1/MS111814.3	2394

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EXAMINER

BADII, BEHRANG

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/668,580	Applicant(s) HUGHES ET AL.	
	Examiner Behrang Badii	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed on 3/24/06 have been fully considered but they are not persuasive. Leyda and/or Kedem and/or Bodo suggest a hardware ID comprising a predetermined number of bits representing the plurality of components and wherein the hardware ID comprised a variable number of bits representing each portion of the hardware ID, the variable number of bits corresponding to the ability to differentiate multiple computer systems based on a particular component in the plurality of components (Leyda: table 2; Kedem: col.16, 61-67; col.17, 1-15; Bodo: col.4, 21-39; col.5, 25-35). It would be obvious to one of ordinary skill in the art that information require a certain amount of bits. Bits are the foundation of computer science and all the information are base upon bits/byte. Further, at least, the references above discloses identification information of certain hardware parts having utilized certain amount of bits. This can be applied to any hardware part in the system.

As per claim 9, the purpose of Lawrence is the disclosure of 64 bits of information, i.e. information utilizing 64 bits. The rejection for claim 8 fully discloses a hardware ID.

2112 [R-2] Requirements of Rejection Based on Inherency; Burden of Proof

The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103. "The inherent teaching of a prior art reference, a question of fact, arises both in the context of anticipation and obviousness." In re Napier, 55 F.3d 610, 613, 34 USPQ2d 1782, 1784 (Fed. Cir. 1995) (affirmed a 35 U.S.C. 103 rejection based in part on inherent disclosure

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in one of the references). See also *In re Grasselli*, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983).

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leyda, U.S. patent 5,867,730, and further in view of Kedeem, U.S. patent 6,845,428; Bodo, U.S. patent 6,480,925; Bondy et al., U.S. patent, 5,491,813; Dapper et al., U.S. patent application publication 2002/0106060 and Benson, IV et al., U.S. patent 6,081,752.

As per claim 8, Leyda discloses a hardware ID for identifying a plurality of components of a computer system, wherein the hardware ID is stored on the computer system and is generated during the installation of a software product on the computer system (abstract), wherein the hardware ID comprises:

a CD-ROM device portion identifying a CD-ROM device of the computer system (abstract; col.6, 35-54). Leyda does not disclose:

a disk adapter portion identifying a disk adapter of the computer system;

a disk device portion identifying a disk device of the computer system;

a display adapter portion identifying a display adapter of the computer system;

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a first drive serial portion identifying a disk drive of the computer system;
a MAC address portion identifying a MAC address of the computer system;
a processor serial number portion identifying a processor serial number of the computer system;
a processor type portion identifying a processor type of the computer system;
a RAM size portion identifying a RAM size of the computer system; and
a SCSI adapter portion identifying a SCSI adapter of the computer system,
wherein a hardware ID comprises a predetermined number of bits representing the plurality of components and wherein the hardware ID comprised a variable number of bits representing each portion of the hardware ID, the variable number of bits corresponding to the ability to differentiate multiple computer systems based on a particular component in the plurality of components.

Subler et al. discloses wherein the CD-ROM device portion, the disk adapter portion, the disk device portion, the display adapter portion, the first serial drive portion, the MAC address portion, the processor serial number portion, the processor type portion, the RAM size portion, and the SCSI adapter portion of the hardware ID are generated during the installation of the software product on the computer system (col.4, 55-64). Kedeem discloses a disk adapter portion identifying a disk adapter of the computer system (col.16, 61-67; col.17, 1-15). Bodo discloses a disk device portion identifying a disk device of the computer system (col.5, 25-35) and a first drive serial portion identifying a disk drive of the computer system (col.5, 25-35). Bondy et al. discloses a display adapter portion identifying a display adapter of the computer system

(col.6, 7-17). Dapper et al. discloses a MAC address portion identifying a MAC address of the computer system (paragraph 609) and a processor serial number portion identifying a processor serial number of the computer system (paragraph 350). Benson, IV et al. discloses a processor type portion identifying a processor type of the computer system (col.7, 49-67; col.8, 1-33) and a RAM size portion identifying a RAM size of the computer system (col.50, 12-19 & col.65, 17-25). Leyda and Bodo disclose a SCSI adapter portion identifying a SCSI adapter of the computer system (Leyda: col.10,46-67; col.11, 1-15) (Bodo: fig's 1-5). Leyda and/or Kedem and/or Bodo suggest a hardware ID comprising a predetermined number of bits representing the plurality of components and wherein the hardware ID comprised a variable number of bits representing each portion of the hardware ID, the variable number of bits corresponding to the ability to differentiate multiple computer systems based on a particular component in the plurality of components (Leyda: table 2; Kedem: col.16, 61-67; col.17, 1-15; Bodo: col.4, 21-39; col.5, 25-35). It would have been obvious to modify Leyda to include a disk adapter portion identifying a disk adapter of the computer system; a disk device portion identifying a disk device of the computer system; a display adapter portion identifying a display adapter of the computer system; a first drive serial portion identifying a disk drive of the computer system; a MAC address portion identifying a MAC address of the computer system; a processor serial number portion identifying a processor serial number of the computer system; a processor type portion identifying a processor type of the computer system; a RAM size portion identifying a RAM size of the computer system; and a SCSI adapter portion identifying a SCSI adapter of the

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computer system such as taught by the references above in order for each part of the hardware system to be accounted for when a software is installed on the system to minimize the illegal use of software and hardware components.

As per claim 10-16 & 18, Leyda discloses a hardware ID for identifying a plurality of components of a computer system as described above. Leyda does not disclose wherein the CD-ROM device portion comprises a hashing of a CD-ROM device identification string (hashing of data), the disk adapter portion comprising a hashing of disk adapter peripheral component interface (PCI) vendor and device identifications (hashing of data), the disk device portion comprising a hashing of a disk device identification string (hashing of data), the display adapter portion comprising a hashing of video adapter PCI vendor and device identifications (hashing of data), the first drive serial portion comprising a hashing of an operating system assigned serial number of a first partition (hashing of data), the MAC address portion comprising a hardware address of a network interface connecting the computer system to a shared network, the processor serial number portion comprises an identification of the manufacturer's serial number for the processor of the computer system. Dapper et al. discloses wherein the CD-ROM device portion comprises a hashing of a CD-ROM device identification string (hashing of data) (paragraph 379), the disk adapter portion comprising a hashing of disk adapter peripheral component interface (PCI) vendor and device identifications (hashing of data) (paragraph 379), the disk device portion comprising a hashing of a disk device identification string (hashing of data) (paragraph 379), the display adapter portion comprising a hashing of video adapter PCI vendor and

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device identifications (hashing of data) (paragraph 379), the first drive serial portion comprising a hashing of an operating system assigned serial number of a first partition (hashing of data) (paragraph 379), the MAC address portion comprising a hardware address of a network interface connecting the computer system to a shared network (paragraph 609), the processor serial number portion comprises an identification of the manufacturer's serial number for the processor of the computer system (paragraphs 609). It would have been obvious to modify Leyda to include the hashing of data such as that taught by Dapper et al. in order to improve the time searched for the data when finding and retrieving the data from a database.

As per claim 17, Leyda discloses a hardware ID for identifying a plurality of components of a computer system as described above. Leyda does not disclose wherein the RAM size portion comprises the size of the RAM in the computer system in megabytes. Benson, IV et al. discloses wherein the RAM size portion comprises the size of the RAM in the computer system in megabytes (col. 38-44). It would have been obvious to modify Leyda to include the RAM size portion comprising the size of the RAM in the computer system in megabytes in order to the RAM size to be used as one of several identifying parts of the systems when a software is to be installed.

As per claim 18, Leyda and Bodo further disclose wherein the SCSI adapter portion comprises an identification of the Small Computer Systems Interface (SCSI) adapter of the computer system (Leyda: col.10, 46-67; col.11, 1-15) (Bodo: fig's 1-5) as per the motivation given above.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leyda, Kedeem, Bodo, Bondy et al., Dapper et al. and Benson, IV et al. as applied to claim 1 above, and further in view of Lawrence et al., U.S patent 5,995,424.

As per claim 9, Leyda, Kedeem, Bodo, Bondy et al., Dapper et al. and Benson, IV et al. disclose a hardware ID for identifying a plurality of components of a computer system as described above. Leyda, Kedeem, Bodo, Bondy et al., Dapper et al. and Benson, IV et al. do not disclose the hardware ID being 64 bits. Lawrence et al. discloses a 64 bit hardware piece (fig.32; col.50, 13-20; col.49, 38-43). It would have been obvious to modify Leyda to include a 64 bit hardware such as that taught by Lawrence et al. in order to have specific security for 64 bit hardware to prohibit the piracy of software and minimize the illegal use of the 64 bit hardware.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(571) 272-3600**.

Behrang Badii
Patent Examiner
Art Unit 3621

BB

Behrang Badii
PRIMARY EXAMINER